

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

**Authorization to Discharge under the
National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

**Leavenworth National Fish Hatchery
12790 Fish Hatchery Road
Leavenworth, Washington, 98826**

is authorized to discharge from the Leavenworth National Fish Hatchery located in Leavenworth, Washington at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
001	Icicle Creek		
002	Icicle Creek		
003	Icicle Creek		
004	Icicle Creek		

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

A copy of this Permit shall be kept at the facility where discharges occur.

This permit shall become effective (insert date)

This permit and the authorization to discharge shall expire at midnight (insert date)

The permittee shall reapply for a permit reissuance on or before 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this day of

Draft Permit

Michael F. Gearheard, Director
Office of Water and Watersheds

Draft Permit: This document does not authorize a discharge to waters of the United States.

Schedule of Submissions

The following is a summary of some of the items the permittee must complete and/or submit to EPA during the term of this permit:

Item	Due Date
1. Discharge Monitoring Reports (DMR)	DMRs are due quarterly and must be postmarked on or before the 10 th day of the month after the preceding quarter.
2. Quality Assurance Plan (QAP)	The permittee must provide EPA and Washington Department of Ecology with written notification that the QAP has been developed and implemented within 120 days after the effective date of the final permit. The Plan must be kept on site and made available to EPA and Washington Department of Ecology upon request.
3. Solid Waste Management Plan	Within one year after permit issuance
4. Pollution Prevention Plan	Within one year after permit issuance
5. Compliance Schedule	Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date. The compliance schedule begins on the effective date of this permit.
6. NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the permit (see V.B.).

Table of Contents

Schedule of Submissions.....	2
I. Discharge Limitations.....	4
A. Discharge Authorization.....	4
B. Wastewater Discharge Limitations.....	4
II. Monitoring Requirements.....	4
A. Effluent Monitoring.....	4
III. Operating Requirements and Conditions.....	4
A. General Operating Requirements	4
B. Operational Log.....	4
C. Disease Control Chemicals.....	4
D. Production Changes	4
IV. Solid Waste Management.....	4
A. Solid Waste Handling.....	4
B. Leachate.....	4
C. Solid Waste Management Plan.....	4
V. Pollution Prevention Plan.....	4
VI. Schedule of Compliance	4
VII General Monitoring, Recording and Reporting Requirements.....	4
A. Routine and Non-Routine Discharge Sampling	4
B. Reporting of Monitoring Results.....	4
C. Monitoring Procedures	4
D. Additional Monitoring by Permittee.....	4
E. Records Contents	4
F. Retention of Records	4
G. Twenty-four Hour Notice of Noncompliance Reporting	4
H. Other Noncompliance Reporting.....	19
I. Changes in Discharge of Toxic Pollutants.....	19
VIII Compliance Responsibilities.....	40
A. Duty to Comply	4
B. Penalties for Violations of Permit Conditions.....	4
C. Need To Halt or Reduce Activity not a Defense	4
D. Duty to Mitigate.....	4
E. Proper Operation and Maintenance	4
F. Bypass of Treatment Facilities	4
H. Upset Conditions	4
I. Toxic Pollutants.....	4
J. Planned Changes	4

K. Anticipated Noncompliance 4

IX General Provisions..... 4

 A. Permit Actions 4

 B. Duty to Reapply..... 4

 C. Duty to Provide Information..... 4

 D. Other Information 4

 E. Signatory Requirements 4

 F. Availability of Reports 4

 G. Inspection and Entry 4

 H. Property Rights 4

 I. Transfers 4

 J. State Laws 4

X Definitions and Acronyms..... 4

Appendix 1..... 4

I. Discharge Limitations

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls specified herein to Icicle Creek, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

B. Wastewater Discharge Limitations

1. For discharges from the flow-through settling rearing pond or raceway (Outfall 001) and all other discharges **except** discharges from the offline settling basin and adult pond or raceway drawdown for fish release, the permittee must comply with discharge limitations as specified in Table 1.

Table 1: Discharge Limitations for Outfall 001 and other discharges specified above		
Parameter	Monthly Average	Instantaneous Maximum
Settleable Solids (SS) (net ¹ mL/L)	0.1	--
Total Suspended Solids (TSS) (net ¹ mg/L)	5.0	15.0
Total Phosphorus (mg/l) ²	0.01	
Notes:		
1. Compliance with net limitations is determined per notes and definitions in Table 5 of permit part II.A.		
2. Limitations for total phosphorus apply to the total combined hatchery discharge from the raceways and offline settling basin during the period from July 1 through September 30 of each year.		

2. For discharges from the offline settling basin (pollution abatement pond, outfall 002), the permittee must comply with discharge limitations as specified in Table 2.

Table 2: Discharge Limitations for Outfall 002 (offline settling basin discharges)		
Parameter	Monthly Average	Instantaneous Maximum
Settleable Solids (mL/L)	--	1.0
Settleable Solids Percent Removal	85%	
Total Suspended Solids (mg/L)	--	100
Total Suspended Solids Percent Removal	90%	
Total Phosphorus (mg/l) ¹	0.01	

Table 2: Discharge Limitations for Outfall 002 (offline settling basin discharges)

Parameter	Monthly Average	Instantaneous Maximum
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Notes:

1. Limitations for total phosphorus apply to the total combined hatchery discharge from the raceways and offline settling basin during the period from July 1 through September 30 of each year.
3. For adult pond (Outfall 004) and raceway drawdown for fish release discharges, the permittee must comply with discharge limitations as specified in Table 3. Pond drawdown for reasons other than fish release shall be subject to the effluent limits in I.B.2. of this permit.

Table 3: Discharge Limitations for Outfall 004 (adult pond and raceway drawdown discharges)

Parameter	Instantaneous Maximum
Settleable Solids (mL/L)	1.0
Total Suspended Solids (mg/L)	100

4. Fish Screen Return Water (003)

Solids removed from the intake water fish screen on Icicle Creek shall not be discharged back to receiving waters in accordance with the prohibition of part I.B.6.c. of this permit.

5. Prohibitions

- a) The discharge of any pollutant not specifically authorized by this permit in concentrations which violate receiving water quality standards established under Section 307(a) of the Clean Water Act shall also be a violation of this permit and the Clean Water Act.
- b) The intentional discharge, at any time, of solids that accumulate in raceways or ponds, in off line or in line settling basins, fish screens, or in other components of the production facility, to Waters of the United States is prohibited.
- c) The discharge of floating matter to Waters of the United States is prohibited.
- d) The discharge of fish mortalities, kill spawning, processing wastes, and leachate from these materials to Waters of the United States is prohibited.
- e) The permittee must not discharge any floating solids or visible foam in other than trace amounts, or oily wastes that produce a sheen on the surface of the receiving water.
- f) Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or pollution control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters. Such removed substances shall be lawfully disposed in an appropriate manner.

II. Monitoring Requirements

A. Effluent Monitoring

1. Representative Sampling

Effluent samples taken in compliance with the monitoring and testing requirements established in this permit shall be collected from the effluent stream prior to discharge into the receiving waters. Influent samples shall be taken at the point where the water enters the facility or settling pond. Samples and measurements shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

2. Flow measurements and samples shall be collected and analyzed according to the schedules identified below.

- a) Adult Pond and Raceway Discharges (outfall 001): The permittee must monitor flow-through settling rearing pond or raceway discharges, and all other discharges **except** offline settling basin discharges and Adult Pond or Raceway Drawdown for Fish Release Discharges as specified in Table 5.

Table 5: Monitoring Requirements for Outfall 001 and other discharges specified above			
Parameter	Sample Point^a	Sampling Frequency	Type of Samples^d
Flow (MGD)	I or E	2/month	Daily total, calculated
Settleable Solids (net ml/L)	I&E	1/week	Grab ^b
Total Suspended Solids (net mg/L)	I&E	1/month	Composite ^c
Total Phosphorus	E	2/Month (July 1 st through September 30 th)	Composite
Temperature	I	1/week (July 1 st through September 30 th)	grab

Table 5: Monitoring Requirements for Outfall 001 and other discharges specified above

Parameter	Sample Point ^a	Sampling Frequency	Type of Samples ^d
<p>Notes and Definitions:</p> <p>“T” means Hatchery or rearing facility influent. The collection of this measurement for solids analysis is optional if the Permittee chooses to represent the influent measurement as zero concentration. Influent and effluent solids must be characteristically similar to use net calculations.</p> <p>E = Hatchery effluent prior to mixing with the receiving waters or any other flow.</p> <p>a: Refer to site specific Sampling Plan for appropriate sampling locations.</p> <p>b: For reporting net settleable solids, influent and effluent grab samples are to be taken on the same day. Effluent sample shall be taken during rearing pond or raceway cleaning. If the frequency of rearing pond or raceway cleaning is less than twice per week, settleable solids sample may be collected immediately following fish feeding. The influent sample concentration shall be considered to be zero if the sample was not collected and/or analyzed. Net values will be accepted if both influent and effluent sample values are reported on the DMR form.</p> <p>c: Total suspended solids influent sample shall be a flow proportional composite sample of all influent water sources. Total suspended solids effluent sample shall be a combination of at least six representative grab samples collected throughout the normal working day. At least one sample shall be collected while the fish are being fed and another during rearing pond or raceway cleaning. Equal volumes of each of the six grab samples shall be combined and shall constitute the total suspended solids composite sample. The same total suspended solids composite sample may be used for determining compliance with the monthly average and the maximum daily limits. If necessary, additional composite sample(s) may be taken to calculate compliance with the monthly average limit.</p> <p>d: For reporting net values, the Permittee must report influent and effluent values on the DMR form. EPA may require further characterization of the influent and effluent solids to demonstrate comparability. Influent and effluent total volatile suspended solids (TVSS) analysis can be used to determine comparability.</p>			

- b) Offline Settling Basin Discharge (Pollution abatement pond, Outfall 002):
Offline settling basin discharges shall be monitored at the sampling frequency specified in Table 6 during every month that there is a discharge from the settling basin.

Table 6: Monitoring Requirements for offline settling basin discharge

Parameter	Sample Point ^a	Sampling Frequency ^d	Type of Samples ^c
Flow (GPD)	EW	1/week ^b	Daily Total
Settleable Solids (ml/L)	EW	1/month ^b	Grab
Total Suspended Solids (mg/L)	EW	1/month ^b	Grab
Total Phosphorus	EW	2/Month (July 1 through September 30)	Composite

Table 6: Monitoring Requirements for offline settling basin discharge

Parameter	Sample Point ^a	Sampling Frequency ^d	Type of Samples ^c
<p>Notes and Definitions:</p> <p>“EW” means offline settling basin effluent sample taken prior to mixing with any other hatchery or rearing flows or receiving waters.</p> <p>b: If the offline settling basin discharges less frequently than 1/week, the testing frequency for flow shall be the offline settling basin discharge frequency. Testing of the offline settling basin discharge is unnecessary if the basin does not discharge during a reporting period. “No Discharge” shall be noted in the comments section on the DMR form.</p> <p>c: Offline settling basin effluent samples shall be collected during the last quarter of a rearing pond or raceway cleaning event. (For batch type settling basins, a representative sample of the effluent shall be taken at the time of discharge.)</p> <p>^d Offline settling basin discharges shall be monitored 12 months out of the year if there is a discharge, regardless of pounds of fish on station.</p>			

- c) Adult Pond (Outfall 004) or Raceway Drawdown for Fish Release Discharges: Samples for adult pond drawdown for fish release shall be collected regardless of pounds of fish on-hand. The rearing pond drawdown for fish release effluent limits do not apply to pond drawdown for purposes other than fish release. Pond drawdown for reasons other than fish release shall be subject to the effluent limits in part I.B.2 of this permit.

Table 7: Adult pond or raceway drawdown for fish release monitoring requirements.

Parameter	Sample Point ^a	Sampling Frequency ^c	Type of Samples ^b
Settleable Solids (mL/L)	E	1/drawdown	Grab
Total Suspended Solids (mg/L)	E	1/drawdown	Grab
<p>Notes and Definitions:</p> <p>“E” means “Effluent.” Rearing pond or raceway effluent grab sample to be taken prior to mixing with receiving waters or any other flow.</p> <p>a: See site specific Sampling Plan for appropriate sampling locations.</p> <p>b: Rearing pond drawdown for fish release sample(s) shall be collected during the last quarter of the volume of the rearing pond or raceway drawdown for release event. If multiple raceways or rearing ponds are being released at the same time, grab samples from individual discharges may be combined into a flow proportional composite sample for analysis.</p>			

3. Method Detection Limits

- a) For all effluent monitoring, the permittee must use methods that can achieve a method detection limit (MDL) less than the effluent limitation. Analyses for total phosphorus shall be conducted using an approved method capable of demonstrating compliance with effluent limitations for this parameter. Such

results obtained using EPA method 200.8 (ICP –MS method modified for phosphorus analyses) are acceptable.

- b) For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if a value is less than the minimum level (ML), the permittee must report “less than {numeric value of the ML}.”
 - c) For purposes of calculating monthly averages, zero may be assigned for values less than the MDL, the {numeric value of the MDL} may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report “less than {numeric value of the MDL}” and if the average value is less than the ML, the permittee must report “less than {numeric value of the ML}.” If a value is equal to or greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.
4. Surface Water Monitoring: The permittee must perform the following receiving water testing to monitor changes that may occur as a result of activities associated with the discharges from the facility.
- a) The permittee must conduct weekly surface water monitoring in Icicle Creek for temperature during the months of May through October (inclusive) at a location downstream of the hatchery discharge where the hatchery effluent has achieved complete mixing with the receiving waters.
 - b) Ambient monitoring for temperature may be continuous or grab samples and must coincide with temperature monitoring of the hatchery influent.
 - c) Surface water monitoring results must be submitted to EPA with the DMR for the reporting period following sample collection. At a minimum, the report must include the following:
 - (i) Dates of sample collection and analyses.
 - (ii) Results of sample analysis.
 - (iii) Relevant quality assurance/quality control (QA/QC) information.
 - (iv) All monitoring results must be included in the discharge monitoring report. The report must include a presentation of the analytical results and an evaluation of the results. The evaluation must include a comparison of upstream (Icicle Creek above inflow from Snow Lake) and downstream monitoring results and a comparison of monitoring results for each station over time (to show any trends).

5. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. Notification must be provided to EPA and Washington Department of Ecology that the plan has been developed and implemented within 120 days of the effective date of this permit. Any existing QAPs may be modified for submittal under this section.

- a) The QAP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur.
- b) Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in Requirements for Quality Assurance Project Plans (EPA/QA/R-5) and Guidance for Quality Assurance Project Plans (EPA/QA/G-5). The QAP must be prepared in the format that is specified in these documents.
- c) At a minimum, the QAP must include the following:
 - (i) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
 - (ii) Map(s) indicating the location of each sampling point.
 - (iii) Qualification and training of personnel.
 - (iv) Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the permittee.
- d) The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
- e) Copies of the QAP must be kept on site and made available to EPA and Washington Department of Ecology upon request.

III. Operating Requirements and Conditions

A. General Operating Requirements

1. Sand, silt, mud, solids, sludges, filter backwash, debris, or other pollutants deposited or removed in the course of treatment or control of water supply and wastewaters shall be disposed of in a manner so as to prevent such materials or leachate from such materials entering waters of the state, including ground water.
2. Discharging untreated cleaning wastes (e.g., obtained from a vacuum or standpipe bottom drain system) to waters of the state (including ground water) without prior treatment is prohibited.
3. Sweeping or intentionally discharging accumulated solids from raceways or ponds to waters of the state without prior treatment is prohibited.
4. Practices such as removing dam boards in raceways or ponds that allow accumulated solids to be discharged to waters of the state are prohibited.
5. Rearing ponds and raceways shall be cleaned within one week prior to drawdown for fish release, where practical.

6. During all phases of operation of the facility, the Permittee shall implement all aspects of the Pollution Prevention Plan required in Section V. of this permit.
7. A copy of this permit must be kept at the facility at all times and made available to all employees and to EPA upon request.
8. Fish mortalities, egg taking, or processing wastes shall be disposed of in a manner so as to prevent such materials, including leachate, from entering the waters of the state.
9. Permittees with fin-fish rearing facilities supplied with ground water and discharging to surface receiving waters will, to the greatest extent feasible, conduct phased reductions in the amount of water discharged prior to complete shut down.
10. The discharge of floating solids to surface waters shall be prevented to the extent possible.
11. Appropriate flow measurements devices and methods consistent with accepted aquaculture practice shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated (if appropriate), and maintained to ensure that accuracy of the measurements is consistent with accepted industry standard for that type of device. Frequency of calibration shall be in conformance with the manufacturer's recommendation (where applicable) and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

B. Operational Log

1. The Permittee shall keep records of all disease control chemicals used at the facility. All variances from the disease control chemical use procedures contained in the facility Pollution Prevention Plan shall be noted. These records shall include:
 - a) Person responsible for the administration of the disease control chemical if different from the individual identified in the facility Pollution Prevention Plan.
 - b) The date of application of the disease control chemical used. For disease chemicals that are used on a routine basis the frequency of application may be recorded in place of each individual application date.
 - c) The trade name of the disease control chemical used.
 - d) The pond or raceway treatment concentration of the active ingredient, duration of treatment, and amount in gallons or pounds of the chemical.
 - e) The estimated concentration of the active ingredient in the hatchery or rearing facility effluent at the point of discharge to the receiving waters.
 - f) The reason for use and method of application.
 - g) The quantity, type (trade name), method of disposal, and location of any disposed spent chemical dip solutions.
2. The Permittee shall keep records on the average loading in pounds of fish and the total amount of food fed in pounds for each calendar month at the facility. The Permittee shall provide a copy of loading and feeding records to EPA upon request.

3. The information contained in the Operational Log will be used to complete the disease control chemical use reporting requirements as noted in part III C. of this permit.

C. Disease Control Chemicals

1. Only disease control chemicals approved for hatchery use by the United States Food and Drug Administration (USFDA) or the United States Environmental Protection Agency (USEPA) may be used. USFDA approved Investigational New Animal Drugs (INADs) may be used at a facility provided the conditions detailed in a facility's INAD permit application are met and the use is reported to EPA and Washington Department of Ecology. All disease control chemical use must be done in conformance with product label instructions or approved INAD protocols, or be administered by a licensed veterinarian. The disposal of all spent chemical dip treatment solutions shall be documented in the Operational Log.
2. Non-Emergency Extra-Label Drug and Chemical Use: EPA recognizes that there are many situations where the extra-label use of disease control chemicals could occur with little or no reasonable potential to impact water quality. As a result, the following use of disease control chemicals or drugs administered by or under the supervision of a licensed veterinarian is approved by EPA:
 - a) Any drug or chemical administered through injection;
 - b) Any drug or chemical administered by the use of a dip;
 - c) Any drug or chemical administered as an additive to feed; and
 - d) Any drugs classified by USFDA as a low priority aquaculture drug (Appendix 1).
3. Emergency Drug and Chemical Use: EPA recognizes that an emergency epizootic disease may require the use of a drug or chemical not approved by either the USFDA or the USEPA, and not in conformance with part III.C.1 above. The use of disease control chemicals not otherwise approved by EPA is approved for the treatment of an emergency epizootic disease provided:
 - a) The drug or disease control chemical is administered by or under the direct supervision of a licensed veterinarian;
 - b) The drug or disease control chemical used and/or the method of its application could not have reasonably been anticipated; and
 - c) Written or facsimile notification is provided to EPA 24 hours prior to administering the drug or disease control chemical.

The Permittee is responsible for fully complying with all the terms and conditions in this permit including, but not limited to monitoring, recordkeeping, and reporting. Further, this clarification of disease control chemicals use does not authorize the Permittee to violate or cause an exceedance of applicable water quality standards.

D. Production Changes

The Permittee shall notify EPA of any proposed production increases or changes in the nature of the discharge which substantially deviates from the information submitted in the permit application.

IV. Solid Waste Management**A. Solid Waste Handling**

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters nor allow such leachate to cause violations of the State Surface Water Quality Standards.

C. Solid Waste Management Plan

The Permittee shall prepare and implement a Solid Waste Management Plan no later than one year from the issuance date of this permit. This plan shall include all solid wastes generate or handled at the facility. The plan shall include how solid and biological wastes are collected, stored, and disposal methods. Among the solid wastes of concern are:

1. Sands, silts, and other debris collected from facility source waters.
2. Accumulated settled solids in rearing ponds and settling ponds.
3. Any fish mortalities under normal hatchery operation.
4. Fish mortalities due to a fish kill involving more than five percent of the fish in any raceway or pond, or due to kill spawning operations.
5. Blood from kill spawning or harvesting operations.
6. Floating debris removed from ponds and raceways.

A copy of the Solid Waste Management Plan shall be kept on site and followed by all hatchery personnel. This plan shall not be at variance with any approved local Solid Waste Management Plan. Any proposed revision or modification of the plan must be submitted to EPA and the local Health Department (if applicable). The Permittee shall comply with the plan and any modifications thereof.

The plan may be combined with the Pollution Prevention Plan (part V) and submitted together no later than one year after the effective date of this permit.

V. Pollution Prevention Plan

The Permittee shall prepare or update the site specific Pollution Prevention Plan no later than one year after the effective date of this permit. This plan shall address operating, spill prevention, spill response, and stormwater discharge practices that will prevent or

minimize the release of pollutants from the facility to the receiving waters. The pollution prevention plan may be combined with the Solid Waste Management Plan (part IV.C.).

The Permittee shall review the plan following any significant discharge of pollutants and revise the plan as needed. The Permittee shall comply with the plan and any modifications thereof. The Permittee shall operate the facility in accordance with this plan along with any subsequent amendments or revisions.

The Permittee shall maintain a copy of the most current version of the Pollution Prevention Plan at the facility and assure that its operations staff for the facility are familiar with the plan and have been adequately trained in the specific procedures that it requires.

The Permittee shall address the following in the Plan:

1. How fish feeding will be conducted to minimize the discharge of unconsumed food and reduce phosphorus in the hatchery discharges.
2. The frequency of pond and raceway cleaning and what procedures will be used to determine when cleaning is necessary to prevent accumulated solids from being discharged.
3. How pond and raceway cleaning will be performed to reduce the disturbance and subsequent discharge of settled solids during cleaning events.
4. How fish grading, harvesting, and other activities within ponds or raceways will be carried out to minimize the disturbance and subsequent discharge of accumulated solids.
5. How the discharge of accumulated solids will be prevented during the fish release.
6. How disease control chemicals are used within the facility to ensure that the amounts and frequency of application are the minimum necessary for effective disease treatment and control. The concentration of disease control chemicals in the facility's discharge shall be minimized to the maximum extent practicable.
7. Practices for the storage and, if necessary, disposal of disease control chemicals.
8. Procedures to prevent or respond to spills and unplanned discharges of oil and hazardous materials. These procedures shall address the following:
 - a) A description of the reporting system which will be used to alert responsible facility management and appropriate legal authorities.
 - b) A description of facilities (including an overall facility site plan) which prevent, control, or treat spills and unplanned discharges and compliance schedule to install any necessary facilities in accordance with the approved plan.
 - c) A list of all hazardous materials used, processed, or stored at the facility that may be spilled directly or indirectly into state waters.
9. I. Procedures to identify and prevent existing and potential sources of stormwater pollution.

VI. Schedule of Compliance

Schedule of Compliance to achieve phosphorus limitations is established as follows:

1. The permittee must achieve compliance with the phosphorus limitations of Part I.A.1. within four years of the effective date of this permit.
2. Until compliance with the effluent limits is achieved, at a minimum, the permittee must complete the tasks and reports listed in Table 1.

Table 8: Tasks Required Under the total phosphorus Schedule of Compliance

Task No.	Due date	Task Activity
1	One year after the effective date of the permit	Source investigation. The permittee must investigate the sources, extent, and transport of phosphorus in the hatchery discharges. At a minimum, the investigation must include: 1) a determination of the amount of phosphorus introduced to the hatchery operation via the influent and feed (or other sources of phosphorus introduced into hatchery waters) and the amount of phosphorus contained in the discharges. Testing of the discharge shall determine the portion of dissolved inorganic phosphorus (filtered sample with analyses for orthophosphate) that is contained in the total phosphorus discharge from the hatchery. The permittee will begin to evaluate the option of increasing Icicle Creek stream flow during the period from July 1 to September 30 by diverting more water from Snow Lake. Deliverable: The permittee must prepare a progress report of findings, and recommendations for further actions to reduce total phosphorus concentrations.
2	Two years after the effective date of the permit	Feasibility study. The permittee must investigate the feasibility of measures to reduce total phosphorus in the discharge (outfalls 001 and 002) to meet the effluent limits. At a minimum, the following measures must be evaluated: 1) water management such as stream flow enhancement during the critical summer period; 2) investigation of the use of low level phosphorus fish food; 3) evaluation of hatchery raceway cleaning procedures; 4) efficiency and operation of the pollution abatement pond; 5) other wastewater treatment options. "Feasibility" is defined to include effectiveness, implementability, and cost. Evaluations should consider short- and long-term aspects of: 1) effectiveness of the measures 2) implementability of the measures (e.g., technical feasibility); and 3) costs. Readily implementable measures must be designed and constructed as soon as feasible. Measures that are more technically difficult or have more unknowns may need further investigations. Deliverable: The permittee must submit: 1) A report of the findings on the feasibility of measures; and 2) Design documents and/or construction completion reports for those measures that are readily implemented.
3 ¹	Three years after the effective date of the permit	Design and construction. The permittee must construct and/or implement measures to reduce total phosphorus in discharges from outfalls 001 and 002 to achieve the effluent limits. Deliverable: The permittee must submit construction completion reports, and/or progress reports if more technically difficult or unknown conditions prevent completion.
4 ¹	Four years after the effective date of the permit	Construction and/or operational changes are complete such that effluent limits are achieved.

Footnotes:

1 - Tasks scheduled past Year 2 are listed in anticipation of potential unknown conditions. The permittee does not need to complete these later tasks if compliance with the effluent limits is achieved sooner.

3. The permittee must submit an Annual Report of Progress which outlines the progress made towards reaching the compliance date for the total phosphorus effluent limitations. The first report is due within one year after the effective date of the permit and annually thereafter, until compliance with the total phosphorus effluent limitations are achieved.
4. At a minimum, the annual report must include:
 - a) An assessment of the previous year of phosphorus data and comparison to the effluent limitations.
 - b) A report on progress made towards meeting the effluent limitations, including the applicable deliverable required under paragraph 2 (Table 4).
 - c) Further actions and milestones targeted for the upcoming year.

VII General Monitoring, Recording and Reporting Requirements

A. Representative Sampling (Routine and Non-Routine Discharges)

Samples and measurements must be representative of the volume and nature of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited in Part I.A. of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with paragraph III.C ("Monitoring Procedures"). The permittee must report all additional monitoring in accordance with paragraph III.D ("Additional Monitoring by Permittee").

B. Reporting of Monitoring Results

The permittee must summarize monitoring results each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent. The permittee must submit reports quarterly, postmarked by the 10th day of the following month. Monitoring results shall be reported in April, July, October, and January for the preceding three month period. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E. of this permit ("Signatory Requirements"). The permittee must submit the legible originals of these documents to the Director, Office of Compliance and Enforcement, with copies to Washington Department of Ecology at the following addresses:

US EPA Region 10
Attn: PCS Data Entry Team
1200 Sixth Avenue, OCE-133
Seattle, Washington 98101

And

Washington Department of Ecology
Central Regional Office
106 South 6th Avenue
Yakima, WA 98902-3387

C. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

D. Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR.

Upon request by EPA, the permittee must submit results of any other sampling, regardless of the test method used.

E. Records Contents

Records of monitoring information must include:

1. the date, exact place, and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

F. Retention of Records

The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or Washington Department of Ecology at any time.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - a) any noncompliance that may endanger health or the environment;
 - b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part VII.F., "Bypass of Treatment Facilities");
 - c) any upset that exceeds any effluent limitation in the permit (See Part VII.G., "Upset Conditions"); or
 - d) any violation of a maximum daily discharge limitations identified in section I of this permit for settleable solids or total suspended solids. .
2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
 - a) a description of the noncompliance and its cause;
 - b) the period of noncompliance, including exact dates and times;
 - c) the estimated time noncompliance is expected to continue if it has not been corrected; and
 - d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted to the addresses in Part VII.B ("Reporting of Monitoring Results").

H. Other Noncompliance Reporting

The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.B ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part VII.G.2 of this permit ("Twenty-four Hour Notice of Noncompliance Reporting").

I. Changes in Discharge of Toxic Pollutants

The permittee must notify the Director of the Office of Water and Watersheds and Washington Department of Ecology as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following "notification levels":
 - a) One hundred micrograms per liter (100 ug/l);

- b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d) The level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following "notification levels":
- a) Five hundred micrograms per liter (500 ug/l);
 - b) One milligram per liter (1 mg/l) for antimony;
 - c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d) The level established by EPA in accordance with 40 CFR 122.44(f).
3. The permittee must submit the notification to Office of Water and Watersheds at the following address:

US EPA Region 10
Attn: NPDES Permits Unit Manager
1200 Sixth Avenue, OWW-130
Seattle, Washington 98101

VIII Compliance Responsibilities

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$32,500 per day for each violation).

2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).
3. **Criminal Penalties:**
 - a) **Negligent Violations.** The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.
 - b) **Knowing Violations.** Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
 - c) **Knowing Endangerment.** Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- d) False Statements. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need To Halt or Reduce Activity not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

D. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. Notice.
 - a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior notice, if possible at least 10 days before the date of the bypass.

- b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.G (“Twenty-four Hour Notice of Noncompliance Reporting”).
3. Prohibition of bypass.
- a) Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the permittee for a bypass, unless:
 - (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The permittee submitted notices as required under paragraph 2 of this Part.
 - (iv) The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

H. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b) The permitted facility was at the time being properly operated;
 - c) The permittee submitted notice of the upset as required under Part III.G, “Twenty-four Hour Notice of Noncompliance Reporting;” and
 - d) The permittee complied with any remedial measures required under Part IV.D, “Duty to Mitigate.”
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. Toxic Pollutants

The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

J. Planned Changes

The permittee must give notice to the Director of the Office of Water and Watersheds as specified in part III.I.3. and Washington Department of Ecology as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under Part III.I ("Changes in Discharge of Toxic Substances").

K. Anticipated Noncompliance

The permittee must give advance notice to the Director of the Office of Compliance and Enforcement and Washington Department of Ecology of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

IX General Provisions

A. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B. Duty to Reapply

If the permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Regional Administrator, the permittee must submit a new application at least 180 days before the expiration date of this permit.

C. Duty to Provide Information

The permittee must furnish to EPA and Washington Department of Ecology, within the time specified in the request, any information that EPA or Washington Department of Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The

permittee must also furnish to EPA or Washington Department of Ecology, upon request, copies of records required to be kept by this permit.

D. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to EPA or Washington Department of Ecology, it must promptly submit the omitted facts or corrected information.

E. Signatory Requirements

All applications, reports or information submitted to EPA and Washington Department of Ecology must be signed and certified by a duly authorized representative for the facility.

All reports required by the permit and other information requested by EPA or Washington Department of Ecology must be signed by a duly authorized representative.

A person is a duly authorized representative only if:

1. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the facility; and
2. The written authorization is submitted to the Director of the Office of Compliance and Enforcement and Washington Department of Ecology.

Changes to authorization. If an authorization under Part V.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IX E.2. must be submitted to the Director of the Office of Compliance and Enforcement and Washington Department of Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

3. Certification. Any person signing a document under this Part must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

F. Availability of Reports

In accordance with 40 CFR 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

G. Inspection and Entry

The permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; Washington Department of Ecology; or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

H. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

I. Transfers

This permit is not transferable to any person except after notice to the Director of the Office of Water and Watersheds. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

J. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established

pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

X Definitions and Acronyms

Act ... the Clean Water Act, codified at 33 U.S.C. 1251 et seq.

Application ... the EPA standard form for applying for an NPDES permit.

Background ... the biological, physical, or chemical condition of waters measured at a point immediately upstream of the influence of the discharge.

Best Management Practices (BMPs) ... as defined by EPA at 40 CFR 122.2, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Bypass ... as defined by EPA at 40 CFR 122.41 (m), the intentional diversion of waste streams from any portion of a treatment facility.

CAAP ... concentrated aquatic animal production facility

CFR ... Code of Federal Regulations, the body of federal regulations. Title 40 of the Code of Federal Regulations, Parts 1 - 1499 contain regulations of the Environmental Protection Agency.

Chemical ... means any substance that is added to the aquatic animal production facility to maintain or restore water quality for aquatic animal production and that may be discharged to Waters of the United States.

Clean Water Act ... formerly referred to as the Federal Water Pollution Control Act of 1972, codified at 33 U.S.C. 1251 et seq.

Concentrated Aquatic Animal Production Facility ... is defined at 40 CFR 122.24 as a hatchery, fish farm, or other facility that contains, grows, or holds either (a) cold water fish species or other cold water aquatic animals in ponds, raceways, or other similar structures, which discharge at least 30 days per year, but does not include facilities that produce less than 9,090 harvest weight kilograms of aquatic animals per year or facilities that feed less than 2,272 kilograms of food during the calendar month of maximum feeding, or (b) warm water fish species or other warm water aquatic animals in ponds, raceways, or other similar structures, which discharge at least 30 days per year, but does not include closed ponds that discharge only during periods of excess runoff or facilities that produce less than 45,454 harvest weight kilograms of aquatic animals per year.

Conventional Pollutants ... BOD, TSS, oil and grease, fecal coliform, and pH

Critical Habitat ... the geographical area occupied by a threatened or endangered species. See 16 U.S.C. § 1532 (the Endangered Species Act of 1973) for a complete definition.

CWA ... the Clean Water Act.

DMR ... discharge monitoring report

Draft Permit: This document does not authorize a discharge to waters of the United States.

40 CFR means Title 40 of the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

Effluent Limitations Guidelines ... regulations published by EPA pursuant to CWA Section 304 (b).

EPA ... the United States Environmental Protection Agency. The State of Washington is located in Region 10 of the EPA.

Fish Hatcheries ... used in this permit to describe hatcheries, fish farms, or other such facilities that contain, grow, or hold warm water and cold water fish species.

Flow Through System ... means a system designed for continuous water flow to Waters of the United States through chambers used to produce aquatic animals. Flow through systems typically use either raceways or tank systems. Waters is supplied to raceways by nearby rivers or springs and are typically long, rectangular chambers at or below grade, constructed of earth, concrete, plastic, or metal. Tanks systems are similarly supplied with water and concentrate aquatic animals in circular or rectangular tanks above grade. The term does not include net pens.

Full Flow Settling ... means the treatment practice in which all of the flow from a flow through system is treated using solids settling techniques prior to discharge.

Grab Samples ... means an individual discrete water sample A sample collected at random.

Impaired Waters ... waters identified by DEQ pursuant to Section 303 (d) of the Clean Water Act for which effluent limitations guidelines are not stringent enough to implement all applicable water quality standards.

Investigational New Animal Drug ... INAD

Listed Endangered or Threatened Species ... Species that are in danger of extinction throughout all or a significant portion of its range or that are likely to become an endangered species within the foreseeable future. See 16 U.S.C. § 1532 (the Endangered Species Act of 1973) for a complete definition.

National Toxics Rule ... EPA's quality criteria for water, codified at 40 CFR 131.36 and applicable to states that have not adopted water quality criteria for toxic pollutants pursuant to the requirements of CWA Section 303 (c) (2) (B).

New Source ... defined by EPA at 40 CFR 122.2 as any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (a) After promulgation of standards of performance under Section 306 of the CWA, which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with Section 306 of the CWA, which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.

Non Conventional Pollutants ... pollutants that are neither conventional pollutants nor priority pollutants listed at 40 CFR 401.15 and Part 423 Appendix A.

Draft Permit: This document does not authorize a discharge to waters of the United States.

Notice of Intent ... A written application form to be submitted to EPA seeking authorization to discharge under the General Permit.

NPDES ... the National Pollutant Discharge Elimination System, a program that implements the Clean Water Act's prohibition on unauthorized discharges by requiring a permit for every discharge of pollutants from a point source into Waters of the United States.

Off Line Settling ... means the treatment practice in which a small, concentrated portion of the flow is diverted and treated before being discharged; specifically, the portion of flow that is vacuumed or removed from the bottom of a tank or raceway, which contributes high levels of suspended solids.

Outfall ... a discreet point or outlet where the discharge will be released to the receiving water.

Permittee ... An individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof, who is issued authorized by EPA to discharge in accordance with the requirements of the General Permit.

Point Source ... any discernable, confined, and discreet conveyance from which pollutants are or may be discharged.

Publicly Owned Treatment Works ... as summarized from EPA's definition at 40 CFR 403.3, devices and systems, owned by a state or municipality, used in storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial wastes, including sewers that convey wastewater to a POTW treatment plant.

Recirculating System ... means a system that filters and reuses water in which the aquatic animals are produced prior to discharge. Recirculating systems typically use tanks, biological or mechanical filtration, and mechanical support equipment to maintain high quality water to produce aquatic animals.

Regional Administrator ... the Administrator of Region 10 of the United States Environmental Protection Agency, or an authorized representative.

Small Fish Hatchery ... as used in the General Permit, a fish hatchery that produces less than 20,000 pounds fish per year (net) and feeds less than 5,000 pounds feed per month during the calendar month of maximum feeding.

TSS ... Total Suspended Solids

Upset ... as defined by EPA at 40 CFR 122.41 (n), an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

Waters of the United States ... defined by EPA at 40 CFR 122.2 to include:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

Draft Permit: This document does not authorize a discharge to waters of the United States.

- (b) All interstate waters, including interstate wetlands;
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) Which are or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as Waters of the United States under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Appendix 1.

LOW REGULATORY PRIORITY AQUACULTURE DRUGS

The following compounds have undergone review by the Food and Drug Administration and have been determined to be new animal drugs of low regulatory priority.

ACETIC ACID - 1000 to 2000 ppm dip for 1 to 10 minutes as a parasiticide for fish.

CALCIUM CHLORIDE - Used to increase water calcium concentration to ensure proper egg hardening. Dosages used would be those necessary to raise calcium concentration to 10-20 ppm CaCO_3 .

- Up to 150 ppm indefinitely to increase the hardness of water for holding and transporting fish in order to enable fish to maintain osmotic balance.

CALCIUM OXIDE - Used as an external protozoacide for fingerlings to adult fish at a concentration of 2000 mg/L for 5 seconds.

CARBON DIOXIDE GAS - For anesthetic purposes in cold, cool, and warm water fish.

FULLER'S EARTH - Used to reduce the adhesiveness of fish eggs to improve hatchability.

GARLIC (Whole Form) - Used for control of helminth and sea lice infestations of marine salmonids at all life stages.

HYDROGEN PEROXIDE - Used at 250-500 mg/L to control fungi on all species and life stages of fish, including eggs.

ICE - Used to reduce metabolic rate of fish during transport.

MAGNESIUM SULFATE - Used to treat external monogenic trematode infestations and external crustacean infestations in fish at all life stages. Used in all freshwater species. Fish are immersed in a 30,000 mg MgSO_4/L and 7000 mg NaCl/L solutions for 5 to 10 minutes.

ONION (Whole Form) - Used to treat external crustacean parasites, and to deter sea lice from infesting external surface of salmonids at all life stages.

PAPAIN - Use of a 0.2% solution in removing the gelatinous matrix of fish egg masses in order to improve hatchability and decrease the incidence of disease.

POTASSIUM CHLORIDE - Used as an aid in osmoregulation; relieves stress and prevents shock. Dosages used would be those necessary to increase chloride ion concentration to 10-2000 mg/L.

POVIDONE IODINE - 100 ppm solution for 10 minutes as an egg surface disinfectant during and after water hardening.

SODIUM BICARBONATE - 142 to 642 ppm for 5 minutes as a means of introducing carbon dioxide into the water to anesthetize fish.

SODIUM CHLORIDE - 0.5% to 1.0% solution for an indefinite period as an osmoregulatory aid for the relief of stress and prevention of shock; and 3% solution for 10 to 30 minutes as a parasiticide.

SODIUM SULFITE - 15% solution for 5 to 8 minutes to treat eggs in order to improve their hatchability.

THIAMINE HYDROCHLORIDE - Used to prevent or treat thiamine deficiency in salmonids. Eggs are immersed in an aqueous solution of up to 100 ppm for up to four hours during water hardening. Sac fry are immersed in an aqueous solution of up to 1,000 ppm for up to one hour.

UREA and TANNIC ACID - Used to denature the adhesive component of fish eggs at concentrations of 15g urea and 20g NaCl/5 liters of water for approximately 6 minutes, followed by a separate solution of 0.75 g tannic acid/5 liters of water for an additional 6 minutes. These amounts will treat approximately 400,000 eggs.